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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,045	01/08/2002	Scott J. Broussard	AUS920010965US1	4455
45502	7590	01/28/2008		
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			EXAMINER SHANKAR, VIJAY	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,045

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

VIJAY SHANKAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10, 12-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US 5,815,160) in view of Nazir et al, "Letter legibility and visual word recognition", Memory & Cognition, July 1998, 26(4), Pages 1-22.

Regarding claims 1, 9 and 14, Kikuchi et al. discloses a method for enabling a creation of presentation data for later projection, (Figures 1-17; Column 4, line 22-Column 8, line 62) the method comprising: determining a recommended size for the created presentation data displayed on a display screen of a computer executing a presentation authoring tool (column 2, lines 42-51), disclosing, "a primary object of [Kikuchi et al.'s] invention is to provide an effective presentation system for presenting, simultaneously on a screen, various kinds of media data..., which can reproduce image data on a display device of any resolution..., correcting positions and sizes of image data to be displayed with a similar geometrical relationship to the screen size of the display device employed for editing the scenario data." Kikuchi further discloses indicating, during a preparation of a presentation using the authoring tool, presentation

data that is smaller than the recommended size. See step S5 of figure 5, in which the resolution of preparation and presentation displays are compared. Specifically, if the resolution of the preparation display is less than that of the presentation display, the authoring tool performs a media size correction 1 in step S7. Further see column 6, lines 20-26, disclosing, "whether the resolution of the display device in editing is higher or not than that of the display device 18 is discriminated in S5. In case higher, media size indication and font size indication described in the parameters are corrected in S7 and S9, while they are corrected in S8 and S9 if lower, before the presentation instruction is dispatched in S10 (See Figure 5; Column 5, line 56- Column6, line 63).

It is understood that a higher resolution indicates a smaller size. Thus, some indication inherently is made to the authoring tool that a size, in particular a resolution, of the presentation data (of the preparation display) is smaller than a recommended size, the recommended size being that of the presentation display. (Figures 1-7; Column 4, line 25- Column 7, line 53).

However, Kikuchi et al. does not disclose that determining the recommended size comprises: i) receiving input of an expected viewing distance for the later projection of the presentation data; and ii) determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance.

Nazir et al teaches determining the recommended size comprises: i) receiving input of an expected viewing distance (see Fig.3; Pages 5-7) for the later projection of the presentation data (see Abstract on Pages 1-2; Figure 3, Pages 5-7); and ii) determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person (see Abstract on Pages 1-2; Figure 3, Pages 5-7), having a certain vision capability, at the expected viewing distance. (Abstract; Figures 1-8; Pages 2-12).

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kikuchi et al. by determining presentation data size based on viewing distance for the projection and vision capability of a person at the expected viewing distance. One would have been motivated to make such a change based on the teaching of Nazir et al. to use a user's vision capabilities and viewing distance in order to adjust a projection and to "modify the image from image source to the location of the user relative to the projection display 12" and also to compensate for a user's near- or far-sightedness during projection.

Regarding claims 2,10,15, Kikuchi et al. discloses that the presentation data comprises at least one of text data and image data. See column 2, lines 44-46, disclosing, "various kinds of media data such as video pictures, still pictures, audio data, text data, graphic data or the like," which could be used as the data for presentation.

Regarding claim 3, Kikuchi et al. discloses that the size is a font size. See column 3, lines 6-13, disclosing "a font preparing section controlled by the scenario performing section for correcting character sizes and character thicknesses to be displayed on the display device for presentation."

Regarding claims 4,16, Kikuchi et al. in view of Nazir et al. discloses that the expected viewing distance is at least one of a maximum viewing distance and a room depth of a room in which the later projection takes place. In particular, the expected viewing distance is a maximum viewing distance. See rejection of claim 1, disclosing that the expected viewing distance is that at which the user's eyes are positioned. This is a maximum viewing distance.

Regarding claim 6,18, Kikuchi et al. discloses receiving further input of at least one of a size in height of the later projection, a height of the display screen, a number of picture elements per inch of the display screen, a display type, and the certain vision capability. In particular Kikuchi et al. discloses in column 5, lines 25-29, receiving input of "parameters representing editing environment such as resolution of display devices used in editing, position, sizes, and other additional information with which applications or the media data 1 are to be displayed." Also see figures 2 ad 3, depicting tables of input parameters. Kikuchi et al. in view of Nazir et al. further discloses receiving input of the certain vision capability. See rejection of claim 1.

Regarding claims 7, 12, Kikuchi et al. in view of Nazir et al. discloses a method for displaying presentation data on a display screen of a computer executing a presentation authoring tool having means for enabling a creation of the presentation data, having a current font size, for later projection. The method comprises: receiving input for an expected viewing distance of the later projection; and redisplaying the presentation data using a second font size on the display screen that is representative of an anticipated appearance of the later projection, having a projected font size based upon the current font size, of the presentation data by a person, having a certain vision capability, at the expected viewing distance. See rejections of claims 1 and 3 for similarities.

Kikuchi further discloses that a given projection screen height is used to determine a projected font size. See figures 2 and 3 depicting tables of display parameter values, including display size. Also see column 7, lines 19-22, referring to figure 6, disclosing, "a screen is prepared in S28 in accordance with the display position, size and form for the application for presenting an initial scene of the application in S29." It is understood that size of a display would include the display's height. Also, the step of "redisplaying the presentation data using a second font size on the display screen". While it is not specifically disclosed whether or not the display screen of the presentation authoring tool of Kikuchi displays the same presentation data using a second font size, Kikuchi does disclose, in figures 8 and 9, a prepared layout 20, a layout under correction 21, and a corrected layout 22 of the presentation data, all three of which are shown on the

display screen of the presentation authoring tool in the figures. Whether or not the second and third layouts, 21 and 22, are displayed on the presentation authoring tool is not disclosed, but it would have been obvious to do such, given there is a demonstration of such in the figures. Also, such a layout is achieved in the presentation authoring tool, one could display the layout at any stage in its development from the authoring tool display's parameters to the parameters of the display for later projection.

Regarding claim 8,20, see rejection of claim 7. Kikuchi et al. discloses that redisplaying further comprises determining a new display screen height and adjusting the second font size of the presentation data for the new display screen height. See column 2, lines 46-51, disclosing that the invention "can reproduce image data on a display device of any resolution in synchronous with changes in time...with a similar geometrical relationship to the screen size of the display device employed for editing the scenario data." Again see figures 2 and 3 depicting a size parameter (which would include height) for the various displaying devices. Also see rejection of claim 3, in which Kikuchi et al. discloses that the invention adjusts font size. Thus, any new display screen height can be accommodated using Kikuchi et al.'s invention to adjust font size. Also a second font size (after having been adjusted once) would be adjusted again depending on changes in time and with a new display screen size.

Regarding claim 9, see rejection of claim 1. Kikuchi et al. further discloses a computer program on a computer usable medium. See figure 1, depicting a CPU, ROM, RAM, a display unit and an instruction inputting section. These components constitute a computer and a program is implicit. It is understood that a functioning computer program system would include program code means.

Regarding claim 12, see rejection of claim 7. Kikuchi et al. further discloses a computer program on a computer usable medium. See figure 1, depicting a CPU, ROM, RAM, a display unit and an instruction inputting section. These components constitute a computer and a program is implicit. It is understood that a functioning computer program system would include program code means. Also, " means for enabling a redisplaying the presentation data using a second font size on the display screen". While it is not specifically disclosed whether or not the display screen of the presentation authoring tool of Kikuchi displays the same presentation data using a second font size, Kikuchi does disclose, in figures 8 and 9, a prepared layout 20, a layout under correction 21, and a corrected layout 22 of the presentation data, all three of which are shown on the display screen of the presentation authoring tool in the figures. Whether or not the second and third layouts, 21 and 22, are displayed on the presentation authoring tool is not disclosed, but it would have been obvious to do such, given there is a demonstration of such in the figures. Also, such a layout is achieved in the presentation authoring tool, one could display the layout at any stage in its

development from the authoring tool display's parameters to the parameters of the display for later projection.

Regarding claim 13, see rejections of claims 8 and 12.

Regarding claim 14, see rejection of claim 1. Also see figure 1, depicting a CPU, ROM, RAM, a display unit and an instruction inputting section. These components constitute a computer and memory.

Regarding claim 19, see rejection of claim 7. Also see figure 1, depicting a CPU, ROM, RAM, a display unit and an instruction inputting section. These components constitute a computer and memory.

3. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. 5,815,160 in view of Nazir et al as applied to claims 1,9 and 14 above, and further in view of MedicineNet.com article "Acuity test, visual".

Regarding claims 5, 11 and 17, Kikuchi et al. in view of Nazir et al. discloses an invention that is similar to that which is disclosed in claims 5, 11 and 17. See rejection of claims 1,9 and 14 for similarities. Kikuchi et al. in view of Nazir et al. discloses that "focus detection circuitry determines a user's vision capabilities" for determining a recommended size (See rejection of claim 1.). Kikuchi et al. in view of Nazir et al does not disclose that determining a recommended size is based upon a font height for characters on a line of a vision chart corresponding to the certain vision capability.

MedicineNet.com article "Acuity test, visual" discloses a standard "measure of how well a person sees" using Snellen's chart, "imprinted with block letters that line-by-line decrease in size, corresponding to the distance at which that line of letters is normally visible."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kikuchi et al. in view of Nazir et al. by determining the recommended size based on a font height of characters on a line of a vision chart. One would have been motivated to make such a change based on the teaching of the article "Acuity test, visual" to use such a chart with varying font heights to determine a person's vision capability. Also, Nazir et al. teaches to "adjust focus to compensate for the user's nearsightedness or far-sightedness", and vision charts are standard and conventional in determining degree of near-sightedness or far-sightedness.

Response to Arguments

4. Applicant's arguments filed 11/08/07 have been fully considered but they are not persuasive. Applicant argues that Nazir et al does not teach determining the recommended size comprises: i) receiving input of an expected viewing distance for the later projection of the presentation data ; and ii) determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person, having a certain vision capability, at the expected viewing distance.

However, Nazir et al teaches determining the recommended size comprises: i) receiving input of an expected viewing distance (see Fig.3; Pages 5-7) for the later projection of the presentation data (see Abstract on Pages 1-2; Figure 3, Pages 5-7); and ii) determining the recommended size based upon the expected viewing distance of the later projection having a projected data size viewable by a person (see Abstract on Pages 1-2; Figure 3, Pages 5-7), having a certain vision capability, at the expected viewing distance. (Figures 1-8; Pages 2-12).

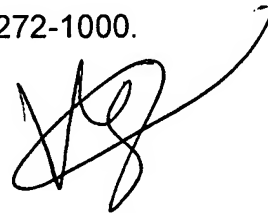
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VIJAY SHANKAR
Primary Examiner
Art Unit 2629

VS